

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

State V Willie Hemphill

Case Number	27D03-0712-FD-000948	
Court	Grant Superior Court 3	
Type	FD - Class D Felony	
Filed	12/11/2007	
Status	12/11/2007 , Decided	
Reference	Original County Cause Number	D307FD948

Parties to the Case

Defendant	Hemphill, Willie J	
Description	Male, Black	
Address	310 West 20Th Street Marion, IN 46953	
State	State of Indiana	
Plaintiff		
Attorney	Brian Nicholas Woodard #2813749 6 South Jefferson Street Danville, IN 46122 317-745-9283(W)	

Charges

01	12/11/2007	RESIDENTIAL ENTRY- Break And Enter Dwelling Note -- This Does Not Require Any
	Statute	35-43-2-1.5
	Degree	FD
02	12/11/2007	BATTERY RESULTING IN BODILY INJURY
	Statute	35-42-2-1(1)
	Degree	MA
03	12/11/2007	BATTERY RESULTING IN BODILY INJURY
	Statute	35-42-2-1(1)
	Degree	MA
04	12/11/2007	CRIMINAL MISCHIEF- Damages Or Defaces Property Of Another W/O Consent.
	Statute	35-43-1-2(a)(1)
	Degree	MB

Chronological Case Summary

12/11/2007	Converted Event This cause is now transferred to Superior II under cause number 27D02-0712-FD-193. hw. (DISPOSED: TO) (RJO? N) JTS Minute Entry Date: 2007-12-11
12/11/2007	Converted Event <div><p>This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.</p></div>
12/11/2007	Judgment Conversion 01. RESIDENTIAL ENTRY- Break And Enter Dwelling Note -- This Does Not Require Any <ul style="list-style-type: none">• Conversion Unknown
12/11/2007	Judgment Conversion 02. BATTERY RESULTING IN BODILY INJURY <ul style="list-style-type: none">• Conversion Unknown
12/11/2007	Judgment Conversion 03. BATTERY RESULTING IN BODILY INJURY <ul style="list-style-type: none">• Conversion Unknown
12/11/2007	Judgment Conversion 04. CRIMINAL MISCHIEF- Damages Or Defaces Property Of Another W/O Consent. <ul style="list-style-type: none">• Conversion Unknown

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State V Willie Hemphill

Case Number	27D02-0712-FD-000193	
Court	Grant Superior Court 2	
Type	FD - Class D Felony	
Filed	12/11/2007	
Status	03/17/2008 , Decided	
Reference	Original County Cause Number	D207FD193

Parties to the Case

Defendant	Hemphill, Willie J	
Description	Male, Black	
Address	310 West 20Th Street Marion, IN 46953	
Attorney	David Marlin Payne <i>#564827, Retained</i> 112 South Boots Street Marion, IN 46952-0000 765-664-4132(W)	

State	State of Indiana	
Plaintiff		
Attorney	Evan Kent Hammond <i>#2561829</i> Kiley Harker Certain 300 West Third Street Marion, IN 46952 765-664-9041(W)	

Charges

01	12/11/2007	RESIDENTIAL ENTRY- Break And Enter Dwelling Note -- This Does Not Require Any	
	Statute	35-43-2-1.5	
	Degree	FD	
02	12/11/2007	BATTERY RESULTING IN BODILY INJURY	
	Statute	35-42-2-1	
	Degree	MB	
	Filed As	MA: BATTERY RESULTING IN BODILY INJURY	
03	12/11/2007	BATTERY RESULTING IN BODILY INJURY	
	Statute	35-42-2-1	
	Degree	MB	
	Filed As	MA: BATTERY RESULTING IN BODILY INJURY	

04 12/11/2007 CRIMINAL MISCHIEF- Damages Or Defaces Property Of Another W/O Consent.

Statute 35-43-1-2(a)(1)

Degree MB

Chronological Case Summary

12/11/2007 **Converted Event**

This cause transferred from Superior III (27D03-0712-FD-948). hw (RJO? N) | JTS Minute Entry Date: 2007-12-11

12/11/2007 **Converted Event**

Transfer date/AKA Date Filed Date: 2007-12-11

12/11/2007 **Converted Event**

Docket Note: MPD PROB

12/13/2007 **Converted Event**

Comes now the Court and accepts jurisdiction. Intitial Hearing set for December 14, 2007, at 11:00 a.m. (RJO? N) | JTS Minute Entry Date: 2007-12-13

12/14/2007 **Converted Event**

Calendar :INITIAL HEARING

12/17/2007 **Indigent Counsel Appointed at County Expense**

Comes now the defendant in custody and in person. The Court now conducts initial hearing and advises defendant of his rights and at the request of defendant, finds defendant to be an indigent person and refers to Public Defender Board for appointment of counsel. The Court now assigns cause for trial for March 31, 2008, commencing at 1:30 p.m., and that State and defendant to meet on or before January 31, 2008, for pretrial conference, all as per Order on Initial Hearing filed. (RJO? Y) | JTS Minute Entry Date: 2007-12-17

12/18/2007 **Converted Event**

Sent Order on Initial Hearing to Willie Hemphill @ Grant County Jail. lw (RJO? N) | JTS Minute Entry Date: 2007-12-18

01/03/2008 **Converted Event**

Defendant files pro se Motion. Same will be forwarded to public defender upon appointment of same. The Court does not accept pro se filings when a public defender is authorized. (RJO? N) | JTS Minute Entry Date: 2007-12-27

01/03/2008 **Converted Event**

Pursuant to the Public Defender Board, James Beaman is appointed as counsel for defendant. (RJO? N) | JTS Minute Entry Date: 2008-01-02

01/04/2008 **Converted Event**

Sent copy of Pro se to Willie Hemphill @ Grant County Jail. lw (RJO? N) | JTS Minute Entry Date: 2008-01-04

01/14/2008 **Converted Event**

Counsel for defendant, James Beaman, files Motion for Discovery. (RJO? N) | JTS Minute Entry Date: 2008-01-09

01/14/2008 **Converted Event**

Defendant by counsel, James Beaman, files Motion for Speedy Trial. The Court now sets cause for Speedy Trial on March 17, 2008, commencing at 1:30 p.m. Notice Ordered. (RJO? N) | JTS Minute Entry Date: 2008-01-09

01/23/2008 **Converted Event**

James Beaman files Motion to Withdraw Appearance, stating David Payne will be filing an appearance. Submitted, examined, and granted. (RJO? N) | JTS Minute Entry Date: 2008-01-22

02/14/2008 Converted Event

David Payne files Appearance Form on behalf of defendant. (RJO? N) | JTS Minute Entry Date: 2008-01-25

03/17/2008 Converted Event

Signed Plea Agreement filed. (RJO? N) | JTS Minute Entry Date: 2008-03-17

03/17/2008 Converted Event

Offense #1, Count ID I : (Sentence Group [1])

03/17/2008 Converted Event

Offense #2, Count ID II : (Prison Sent. [180] [D])(Jail Credit [9])(Sentence Group [1])

03/17/2008 Converted Event

Offense #3, Count ID III : (Prison Sent. [180] [D])(Sentence Group [1])

03/17/2008 Converted Event

Comes now the State of Indiana by Rodney Faulk. Further comes the defendant in custody, together with his attorney, David Payne. State and defendant files written Plea Agreement. Defendant move the Court to enter a plea pursuant to the Plea Agreement. Motion granted. Defendant now enters a plea of guilty pursuant to the Plea Agreement. Parties agree to waive the PSI and proceed to sentencing. Cause submitted for sentencing hearing. Evidence heard. The Court now sentences the defendant to the Indiana Department of Corrections, all as per Order filed. Costs assessed against defendant. (DISPOSED: GP) (RJO? Y) | JTS Minute Entry Date: 2008-03-17

03/17/2008 Judgment

Conversion

01. RESIDENTIAL ENTRY- Break And Enter Dwelling Note -- This Does Not Require Any
- Dismissed

03/17/2008 Judgment

Conversion

02. BATTERY RESULTING IN BODILY INJURY
- Finding of Guilty

03/17/2008 Judgment

Conversion

03. BATTERY RESULTING IN BODILY INJURY
- Finding of Guilty

03/17/2008 Judgment

Conversion

04. CRIMINAL MISCHIEF- Damages Or Defaces Property Of Another W/O Consent.
- Dismissed

03/19/2008 Converted Event

Sent Criminal Information, Probable Cause, Plea Agreement, and Certified Copy of CCS and Order on Plea Agreement and Sentencing to Grant County Sheriff's Dept. lw (RJO? N) | JTS Minute Entry Date: 2008-03-19

03/26/2009 Converted Event

Fine and cost not paid. Same being sent to collection. 03/27/2009 dlm (RJO? N) | JTS Minute Entry Date: 2009-03-26

Financial Information

* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding

balances shown, please contact the Clerk's Office.

Hemphill, Willie J

Defendant

Balance Due (as of 05/29/2018)

160.00

Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	160.00	0.00	0.00

Transaction Summary

Date	Description	Amount
12/11/2007	Transaction Assessment	160.00

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Make
Marion
POLICE DEPARTMENT

David M. Gilbert
Chief of Police

Cliff Sessoms
Deputy Chief

*Office of the Prosecuting Attorney
Forty Eighth Judicial Circuit*

David Day
Deputy Chief

*101 East Fourth Street
Courthouse Room # 107
Marion, Indiana 46952*

Grant County Prosecuting Attorney

*I, Amber L. Richards #031, swear or affirm under the
penalties of perjury, as specified by Indiana Code 35-44-2-1, that
the above or attached and foregoing representations in the
Marion Police Department case #2007-42882 are true
to the best of my knowledge and belief.*

Officer *Al L P* Unit# 031
Marion Police Department

Date 12/9/07

STATE OF INDIANA)
COUNTY OF GRANT) SS:
STATE OF INDIANA)

IN THE GRANT SUPERIOR COURT 3
CAUSE NUMBER: 27D03-0712-FD-948

STATE OF INDIANA

INFORMATION FOR:

VS

WILLIE J. HEMPHILL
DOB: 09/10/1971

Count 1:
Residential Entry
I.C. 35-43-2-1.5
a Class D Felony

FILED

DEC 10 2007

J. Mark Elmer
CLERK GSC 3

Count 2:
Battery Resulting in Bodily Injury
I.C. 35-42-2-1(a)(1)(A)
a Class A Misdemeanor
13

Count 3:
Battery Resulting in Bodily Injury
I.C. 35-42-2-1(a)(1)(A)
a Class A Misdemeanor
A

Count 4:
Criminal Mischief
I.C. 35-43-1-2(a)(1)
a Class B Misdemeanor

Count 1

The undersigned, being duly sworn upon her oath, says that on or about December 9, 2007 in Marion, Grant County, State of Indiana, Willie J. Hemphill did knowingly or intentionally break and enter the dwelling of another person, to-wit: Colett McClain; all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-43-2-1.5 and against the peace and dignity of the State of Indiana.

Count 2

The undersigned, being duly sworn upon her oath, says that on or about December 9, 2007 in Marion, Grant County, State of Indiana, Willie J. Hemphill did

knowingly or intentionally touch another person, to wit: Colett McClain in a rude, insolent, or angry manner, to wit: struck her in the eye area; ~~resulting in bodily injury~~, to wit: ~~bump and small cut by her right eye~~; all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1(a)(~~b~~)(~~d~~) and against the peace and dignity of the State of Indiana.

Count 3

The undersigned, being duly sworn upon her oath, says that on or about December 9, 2007 in Marion, Grant County, State of Indiana, Willie J. Hemphill did knowingly touch Colett McClain in a rude, insolent, or angry manner, to wit: attempted to choke her, pulled her hair and beat on her; ~~resulting in bodily injury~~, to wit: ~~scratches on her back that were swollen and bleeding~~; all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-42-2-1(a)(~~1~~)(~~4~~) and against the peace and dignity of the State of Indiana.


Count 4

The undersigned, being duly sworn upon her oath, says that on or about December 9, 2007 in Marion, Grant County, State of Indiana, Willie J. Hemphill did, without the consent of Colett McClain, recklessly, knowingly or intentionally]* damage or deface property, to-wit: MP3 player, of another person, to wit: Colett McClain without the other person's consent; all of which is contrary to the form of the statutes in such cases made and provided by I.C. 35-43-1-2(a)(1) and against the peace and dignity of the State of Indiana.

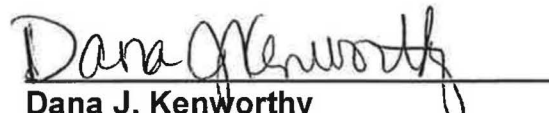

Investigator for the Grant County
Prosecutor's Office

Subscribed and sworn to before me this 10th day of Dec., 2007.

My commission expires:
July 16, 2011


Teri L. Turney
Notary Public
A Resident of Grant County

APPROVED BY ME:


Dana J. Kenworthy
Deputy Prosecuting Attorney

WITNESSES:

Amber Richards
Steve Wolf
Antonio Flores
Colett McClain

STATE OF INDIANA)
) SS:
COUNTY OF GRANT)

IN THE SUPERIOR COURT III

2007 TERM

FILED

CAUSE NUMBER: 27D03-0712-DF-948

STATE OF INDIANA

DEC 10 2007

VS.

WILLIE J. HEMPHILL

AFFIDAVIT FOR PROBABLE CAUSE:

RESIDENTIAL ENTRY

BATTERY RESULTING IN BODILY INJURY

BATTERY RESULTING IN BODILY INJURY

CRIMINAL MISCHIEF

The undersigned swears or affirms that there is good cause to believe that the defendant in this cause has committed the above-captioned offense(s), and in support of this affidavit attached hereto reports and documents prepared in connection with the investigation of this matter. I affirm under the penalties of perjury that the foregoing representations are true to the best of my knowledge and belief.


Investigator, Grant County Prosecutor's Office

ORDER

Probable Cause exists for the issuance of a warrant for the crime(s) set forth in Affidavit of Probable Cause. Bond set at (\$ 10000 cash, surety, property).

This date of _____ December, 2007


HONORABLE NATALIE R. CONN,
JUDGE, GRANT SUPERIOR COURT 3

**APPEARANCE FORM (CRIMINAL)
State of Indiana**

Case Number: 27D03-0712-FD-948

- 1. Name of Defendant: Willie J. Hemphill**
- 2. Case Type of proceeding: D Felony**
- 3. Prosecuting Attorney information:**

**Name: James D. Luttrull Jr.
Grant County Prosecuting Attorney
48th Judicial Circuit
101 East 4th Street, RM. 107
Marion, IN 46952**

Attorney #10018-27

**Phone: (765) 664-0739
FAX: (765) 668-6580**

- 4. Will the State accept service by FAX: NO**
- 5. Arrest report number (Originating Agency Case Number): 2007-42882**

Respectfully submitted,

**James D. Luttrull Jr.
Grant County Prosecuting Attorney
48th Judicial Circuit**

FILED

DEC 10 2007

J. Mark Edwards
CLERK GSC3

IN THE COUNTY OF GRANT

GRANT SUPERIOR COURT NO 3

SS:

FILED

STATE OF INDIANA

DEC 11 2007

STATE OF INDIANA

CAUSE NO. 27D03-0712-FD-948

V

WILLIE J. HEMPHILL

ORDER OF RECUSAL

Comes now the Honorable Judge Natalie Conn, and recuses from this case. This case to be transferred to Superior Court 2 as he has a prior case in that Court.

So ordered this 11th day of December, 2007



Natalie Conn, Judge
Grant Superior Court No. 3

STATE OF INDIANA
COUNTY OF GRANT.
IN THE GRANT SUPERIOR COURT NO. 2
2007 TERM

FILED

DEC 14 2007

J. Mark Flanagan
CLERK GSC 2

STATE OF INDIANA

VS.


CAUSE NO. 27D02-0712-FD-193

Willie Hemphill

ORDER ON INITIAL HEARING

Comes now the defendant in custody. The Court now advises defendant of the rights to counsel, the right to public-speedy trial by jury, the right to remain silent, the nature of the criminal charge, and the amount and conditions of the bond. The Court now enters a preliminary plea of not guilty upon all counts, which plea shall become a formal plea of not guilty within twenty (20) days of date hereof. Upon request of the defendant, the Court refers defendant to Public Defender Board for appointment of counsel, upon finding defendant to be an indigent person. State and defendant to meet for pretrial conference on or before January 31, 2008, and to file a written report thereof. The Court sets Omnibus date for February 7, 2008. The cause is set for trial for March 31, 2008, commencing at 1:30 p.m. Defendant is remanded to the custody of the sheriff pending return in open Court for further proceedings. Judgment on the findings.

Dated this 14th day of December, 2007.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

FILED

DEC 27 2007

J. Mark O'Leary
CLERK GSC 2

To The Clerk of Courts

Please forward A MARKed Filed
Copies of these Motion to Prosecuting Attorney
; Rodney Faulk AND MARKed Filed copies
to Me ;

Motion For Discovery
and
Motion For Speedy Trial

Thank Yo

Willie J. Hemphill
27D02-0712-FD-193

Signed: Willie J. Hemphill
Dated: December 21, 2007

State of Indiana
County of Grant

In The Grant County
Superior Court - II

State of Indiana
VS
Willie J. Hemphill

Cause #; 27D02-0712-FD-193
27D02-0712-FD-193

Defendant's Motion For Discovery

Comes now Defendant Pro Se and moves the Court to order the State of Indiana to provide discovery by producing copies of the following:

1. A complete list of all witnesses that the State of Indiana intends to call in this case together with addresses for each, and copies of any statements they have given.
2. A complete list together with addresses of individuals that the State has contacted concerning this case which the State does not intend to call as witnesses.
3. True copies of any scientific, technical or laboratory reports relating to this case which are in the custody or control of the State of Indiana.

4. A complete list together with description of Any exhibits in possession of the State of Indiana whether or not the State intends to admit said exhibits at trial.
5. True copies of Any statements made by the defendant including: Any memorandums or notes summarizing verbal statements not reduced to writing or transcribed.
6. A complete listing of the entire Criminal Records, including juvenile Records, of All Individuals listed as State's witnesses.
7. A complete copy of the Criminal Record of the Defendant.
8. Any exculpatory evidence in possession of the State of Indiana.
9. Complete copies of any plea agreements, Memorandums of understanding, grants of immunity, deferred prosecution agreements, or other Agreements for leniency or the forbearance of charges or Action by the State of Indiana in existence with any witness.
10. An opportunity to personally inspect and examine Any and All physical exhibits in possession of the State of Indiana Regarding this case.

11. These requests are continuing in nature, and the State of Indiana is requested supplement its responses, AS NECESSARY.
12. Prior written notice in Advance of trial if the State of Indiana intends to seek Admission of any evidence pursuant to Indiana Rule of Evidence 404(b).

Wherefore; The defendant moves the Court to enter an order for discovery as requested.

Defendant; Pro Se
 Willie J. Hemphill
 Willie J. Hemphill
 214 E. 4th Street
 MARION, IN 46952

Certificate of Service

I certify that a True copy of the foregoing was furnished to opposing counsel, Prosecutor, Rodney Faulk; At Courthouse Room #107, MARION, IN 46952, for the Cause Above; this 21st day of December; 2007.

Pro Se; Willie J. Hemphill
 Willie J. Hemphill; 214 E. 4th St.; Marion, IN 46952

State of Indiana
County of GRANT

In The GRANT County
Superior Court - II

State of Indiana
VS
Willie J. Hemphill

Cause #:
27D02-0712-FD-193

Motion for Speedy Trial

Comes now the Defendant; PRO SE,
And moves this court to GRANT him
A Speedy trial in this cause in
accordance with; I.C. 35-33-10-4.

Certificate of Service

I Affirm under the pain And Penalties of Perjury that A Complete And CORRECT Copy has been Sent to the Prosecuting Attorney; At the Courthouse Room # 107, MARION, IN 46952; for the Above Cause; This 21st day of December; 2007.

Respectfully Submitted

Pro Se, Willie J. Hemphill
214 E. 4th Street
MARION, IN 46952

Pro Se; Willie J. Hemphill

STATE OF INDIANA)
)
COUNTY OF GRANT)

SS:

IN THE GRANT SUPERIOR #2 COURT

2008 TERM

FILED

JAN 03 2008

J. Mark Edwards
CLERK GSC 2

STATE OF INDIANA

vs.

WILLIE J. HEMPHILL

CAUSE NO. 27D02-0712-FD-193

MOTION FOR SPEEDY TRIAL

Comes now Defendant, by counsel, and hereby requests that this matter be set for a speedy trial, pursuant to Indiana Rules of Criminal Procedure 4(B)(1) and certifies that a copy of this motion has been furnished to the Grant County Prosecuting Attorney's Office, Attorney for the State.

James T. Beaman

JAMES T. BEAMAN
Attorney for Defendant
141 South Adams Street
Marion, Indiana 46952
Telephone (765) 662-7569
Attorney #3572-27

CERTIFICATE OF SERVICE

I certify that on the 9th day of January, 2008, a true and complete copy of the foregoing has been served upon opposing counsel, by first class mail, postage prepaid, or by leaving a copy in counsel's mailbox in the Grant County Clerk's Office.

James T. Beaman

JAMES T. BEAMAN

STATE OF INDIANA)
)
COUNTY OF GRANT)

SS:

IN THE GRANT SUPERIOR #2 COURT

2008 TERM

STATE OF INDIANA

VS.

WILLIE J. HEMPHILL

FILED

JAN 09 2008

J. Michael O'Leary
CLERK GSC 2

CAUSE NO. 27D02-0712-FD-193

MOTION FOR DISCOVERY

Comes now the Defendant in the above entitled cause, by James T. Beaman, Attorney at Law, and respectfully moves the Court to Order the State of Indiana to disclose to the Defendant the following material and information within its possession and control:

1. The names and last known addresses of all persons whom the State of Indiana intends to use in the prosecution of this cause of action, and the names and last known addresses of persons known to the State of Indiana to have knowledge pertinent to this cause of action, but who will not be used as witnesses by the State of Indiana.
2. A copy of all written or recorded statements, memoranda and summaries of oral statements of persons whom the Prosecuting Attorney intends to call as witnesses in the prosecution of this cause of action, or by any person who has knowledge pertinent to this cause of action, but who will not be used as a witness by the State of Indiana.
3. A list of criminal and juvenile records, if any, of all of the witnesses, including the defendant's, whom the State plans to call to testify at trial, and a copy of all the criminal records pertaining to people interviewed by the State concerning this case.
4. Any and all written or recorded statements and the substance of any oral statements made by the Defendant herein to agents of the State of Indiana or to private individuals assisting the aforesaid authorities, including any warnings of rights read to or alleged waivers obtained from the Defendant.
5. State whether the Defendant, or any other person who participated in the alleged crime, was acting directly or indirectly to the instigation, or on behalf of the State of Indiana, or one of its agents; and, if so, state the names and addresses of said individuals.
6. State whether or not the use of an informant is in any way involved in the State's case, and, if so, name the informant and specify his or her address.
7. State the names and addresses of each and every person who was present and/or took part in, or witnessed the criminal act which the Defendant is accused of committing.

8. State fully all the overt acts in furtherance of the crime not specified in the Information, on which the prosecution intends to rely at trial.

9. State the time and place of the offense alleged in the Information.

10. A copy of the probable cause affidavit in this cause of action, and a copy of any written record or transcription of testimony at the probable cause hearing of the cause herein.

11. All written reports, notes, memoranda, maps, drawings, or diagrams written, drawn or otherwise prepared by the Prosecuting Attorney, or any other law enforcement agency or individual, in connection with or pertaining to the investigation of the crime charged against the Defendant herein.

12. True copies of all photographs which the State intends to or may offer into evidence at the trial of this cause of action, and all other photographs relevant to the subject matter of this cause of action, including any photographs of physical evidence in the State's possession.

13. All tangible or demonstrative objects, books, papers or documents which the Prosecuting Attorney will use in the hearing or trial, or which were obtained from or belonging to the accused, including that evidence which was seized at the time of the apprehension of the Defendant, with copies of search warrant(s); and if, such search was based on any alleged consent by Defendant, the circumstances in which such alleged consent was obtained.

14. Any and all reports, laboratory or otherwise, of statements of experts made in connection with this particular case, including results of physical or mental examination, and of scientific tests, experiments or comparisons by any agents of the State of Indiana, or private individuals.

15. The defense requests the following information:

a. Will the State rely upon or utilize expert testimony in this case?

(1) If so, state the name of the witness, qualifications and subject of his or her testimony, and supply to the Defendant any reports or documents that he or she will rely upon in his or her testimony.

b. Will the State rely on prior acts or convictions of the Defendant of a similar nature as proof of motive, preparation, identity, absence of mistake or accident, knowledge, intent or common scheme or plan? If yes, please specify.

c. Whether or not the State intends to use the prior felony convictions and prior criminal record of the Defendant as an impeachment device if he or she testifies at trial.

(1) If so, specify which convictions.

16. Any and all evidence in possession and control of the State of Indiana, or its agents, which may be favorable to the Defendant and material to the issue of guilt or punishment or could reasonably weaken or affect any evidence proposed to be introduced against the Defendant, or is relevant to the subject matter of this cause of action, or in any manner may aid

this Defendant in the ascertainment of the truth. Brady v. Maryland (1963), 373 U.S. 83, 10 L.Ed.2d, 215, 83 S. Ct. 1194.

17. A statement in writing as to whether there has been any electronic surveillance of any conversation to which the Defendant was a party.

18. A statement in writing by the Prosecuting Attorney whether the Defendant has:

- a. appeared in a line-up or show-up;
- b. been made to speak for identification by witnesses to the said offense;
- c. been fingerprinted;
- d. been photographed;
- e. had specimens of materials taken from under his/her fingernails;
- f. had samples of blood, hair, breath or other materials of his/her body taken which involve an intrusion thereof;
- g. provided specimen of handwriting;
- h. submitted to physical or medical inspection of his/her body; or
- i. had his/her photograph shown to any witness to the alleged crime, and if so, a copy of such photograph and any other shown to any such witness(s).

19. A statement in writing by the Prosecuting Attorney whether hypnosis has been used or attempted to be used on any witnesses in the investigation of the offense charged against the Defendant.

20. Grand Jury testimony as a witness, once he has testified. Blackburn v. State (1973), Ind., 291 N.E.2d 686.

21. Supply a copy of any information collected by, or in possession of, the Prosecutor or his office pertaining to or informing him regarding any prospective jurors that might be called to serve in this cause.

22. Provide Defendant's counsel with the complete criminal record of all State's witnesses, and provide Defendant's counsel with a statement of any juvenile charges pending against any State witness from any time on and after the inception of the investigation of this cause.


23. Provide Defendant's counsel with copies of all written or recorded statements of memoranda thereof any witnesses interviewed by agents or the State of Indiana during the course of the investigation of this cause.

24. State whether any witnesses have received a promise, immunity or inducement for his or her testimony in this cause. If so, set forth the name of the witness, the promise, the immunity or the inducement, and the names of all persons involved in the offering thereof.

25. Provide in detail Defendant's counsel with any evidence which the State of Indiana will attempt to place in evidence concerning uncharged misconduct of any of the witnesses, including the Defendant pursuant to Rule 404 (b).

WHEREFORE, the Defendant respectfully prays the Court for an order requiring the State of Indiana to disclose and produce the above information to the Defendant in writing and by filing a copy of said response with the Court, and that such disclosure and production is to be made without regard as to whether the evidence to be disclosed and produced is deemed admissible at the trial herein; and, if the State of Indiana, after complying with the information or facts which are subject to or covered by such order, the State of Indiana shall promptly notify the Court, and the Defendant, of the existence thereof.

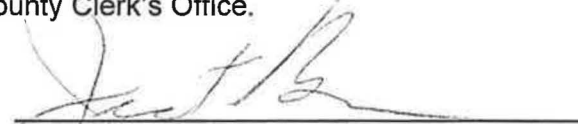
Respectfully submitted,



JAMES T. BEAMAN
Attorney for Defendant
141 South Adams Street
Marion, Indiana 46952
Telephone (765) 662-7569
Attorney #3572-27

CERTIFICATE OF SERVICE

I certify that on the 9th day of January, 2008, a true and complete copy of the foregoing has been served upon opposing counsel, by first class mail, postage prepaid, or by leaving a copy in counsel's mailbox in the Grant County Clerk's Office.


BEAU J. WHITE

STATE OF INDIANA)
)
COUNTY OF GRANT)

SS:

IN THE GRANT SUPERIOR #2 COURT

2008 TERM

STATE OF INDIANA

FILED

VS.

JAN 22 2008

WILLIE J. HEMPHILL

J. Mark Clements
CLERK GSC 2

CAUSE NO. 27D02-0712-FD-193

MOTION TO WITHDRAW APPEARANCE

Comes now James T. Beaman, counsel of record for the Defendant herein, and moves to withdraw his appearance on behalf of the Defendant for the reason that other counsel will be representing said Defendant.

WHEREFORE, the undersigned prays that his appearance on behalf of the Defendant be withdrawn and for all other proper relief in the premises.

**JOHNSON, BEAMAN, BRATCH, WHITE,
GALLAWAY & BREWER, P.A.**

James T. Beaman

JAMES T. BEAMAN

Attorney No. 3572-27

Attorney for

The Lincoln Building

141 South Adams Street

Marion, IN 46952

Telephone: (765) 662-7569

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing pleading has been furnished to the Grant County Prosecuting Attorney's Office this 22nd day of January, 2008.

James T. Beaman

**IN THE GRANT SUPERIOR COURT #2
APPEARANCE FORM
(Criminal)**

Case Number: _____

27D02-0712-FD-193
27D02-0712-FD-948
(Previously supplied by Clerk)

FILED

JAN 25 2003

J. Mark Jones
CLERK DEPT. 1

// Check if *Pro Se*. In the event the defendant decides to represent himself or herself, complete this form listing address and other service information in number 2.

1. Name of Defendant(s): WILLIE HEMPHILL

(All defendants represented by attorney listed below)

2. Defense Attorney information (as applicable for service):

Name: DAVID M. PAYNE
Address: 112 SOUTH BOOTS STREET
MARION IN 46952

Attorney Number: 5648-27
Phone: (765) 664-4132
FAX: (765) 662-9685
Computer Address: _____

3. Will Defendant accept service by FAX: Yes ___ No X

4. Additional information required by state or local rule: _____

Note: If separate attorneys represent separate defendants, use an appearance form for each separately represented defendant or set of defendants.

David M. Payne

DAVID M. PAYNE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the Appearance was served upon Rodney Faulk, Grant County Prosecutor's Office, Grant County Courthouse, 101 East 4th Street, Marion, IN 46952, by depositing a copy of same in the U.S. Mail, first class postage pre-paid, on this the 23rd day of January, 2008.



David M. Payne

RYAN & PAYNE

Attorneys at Law
112 South Boots Street
Marion, Indiana 46952-3825

Patrick N. Ryan
David M. Payne*
*Also Admitted in Texas

Telephone (765) 664-4132
Fax (765) 662-9685

January 23, 2008

Clerk
Grant Superior Court #2
Grant County Courthouse
101 East 4th Street
Marion, IN 46952

FILED

JAN 25 2008

J. Mark Johnson
CLERK GSC 2

RE: State of Indiana vs. Willie Hemphill
Grant Superior Court #2
Cause No.: ~~27D02-0712-FD-948~~
3

To the Honorable Clerk of Said Court:

27D02-0712-FD-948

Enclosed please find my Attorney's Appearance to be filed in the above captioned cause.
If you have any questions, please contact me.

Very truly yours,

David M. Payne
David M. Payne

cc: Rodney Faulk
Willie Hemphill

DMP/kp

STATE OF INDIANA
COUNTY OF GRANT
IN THE GRANT SUPERIOR COURT NO. 2
2008 TERM

FILED

MAR 17 2008

J. Mark Johnson
CLERK GSC 2

STATE OF INDIANA

VS.

CAUSE NO. 27D02-0712-FD-193

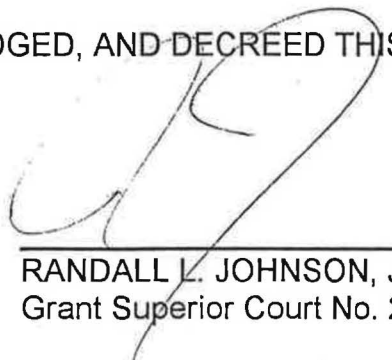
Willie Hemphill

ORDER ON PLEA AGREEMENT AND SENTENCING

Comes now State of Indiana by Rodney Faulk. Comes now the defendant Willie Hemphill, together with his counsel, David Payne. State and defendant file written Plea Agreement. Defendant moves the Court to enter a plea of guilty pursuant to Plea Agreement filed. Motion granted. Defendant now enters a plea of guilty to the crime of Amended Count 2: Battery, a Class B Misdemeanor, and Amended Count 3: Battery, a Class B Misdemeanor. The Court finds the defendant's plea of guilty to be freely and voluntarily made and to have a factual basis therefor. Parties agree to waive the Presentence Investigation Report and proceed to sentencing. Cause submitted for sentencing. The Court having heretofore conditionally accepted the defendant's Plea of Guilty, pursuant to the written Plea Agreement, now accepts same. The Court now sentences the defendant, pursuant to the written Plea Agreement as follows:

- A. That he be committed to the Indiana Department of Corrections for a term of imprisonment of 180 days on Amended Count 2, and 180 days on Amended Count 3: Battery, a Class B Misdemeanor, to be served concurrent with each other. Defendant may apply for Work Release Program.
- B. That the defendant be granted 9 (actual) days, Credit Time, defendant was in jail pending sentencing upon such sentence.
- C. That the defendant pay court cost in the sum of \$173.00 payable within 90 days after release from incarceration.
- D. That the defendant have no contact with the victim in this cause.
- E. Pursuant to Plea Agreement, Counts 1 and 4 are dismissed.

ALL OF WHICH IS ORDERED, ADJUDGED, AND DECREED THIS 17th DAY OF March, 2008.



RANDALL L. JOHNSON, Judge
Grant Superior Court No. 2

36

FILED

MAR 17 2008

STATE OF INDIANA

IN THE GRANT SUPERIOR COURT 2

COUNTY OF GRANT, SS:

J. Mark Edwards
CLERK GSC 2

2008 TERM

STATE OF INDIANA

- VS -

CAUSE NUMBER: 27D02-0712-FD-193
27D02-0406-FB-69 PV

WILLIE HEMPHILL

PLEA AGREEMENT

Comes now the STATE OF INDIANA and the Attorney of Record for the Defendant, WILLIE HEMPHILL, and respectfully advise the Court that a Plea Agreement has been entered into with the Defendant for the above-entitled cause, which said Agreement is as follows, to wit:

1. The Defendant will enter a plea of guilty to the crimes of AMENDED COUNTS 2 & 3: BATTERY, a Class B Misdemeanors, each of which carries a minimum sentence of zero (0) years incarceration and a maximum sentence of one-hundred eighty (180) days incarceration and a maximum fine of ten-thousand (\$1,000) dollars.
2. The State of Indiana and the Defendant agree that the sentence for said crimes shall be:

AMENDED COUNT 2

JAIL: 180 days executed.

FINE: \$0. & court costs of \$173.

PROB: None

OTHER: No contact with victim as ordered by the Court; No restitution.

AMENDED COUNT 3

JAIL: 180 days executed, concurrent to Amended Count 2.

FINE: \$0. & court costs consolidated.

PROB: None.

Cause # 27D02-0406-FB-69:

JAIL: 180 days executed consecutive to above.

PROB: Reinstate. *Time served will be applied to this case. (Probation violation charge)*

Victim notification is pending by Jill Speicher, Victims Assistance Coordinator.

WHEREFORE, the STATE OF INDIANA and the Defendant, by his Attorney of Record, DAVID PAYNE, respectfully pray that the Court accept the above Agreement and for all other just and proper relief in the premises.

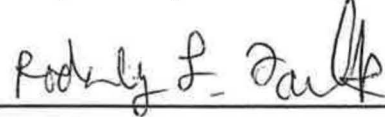


WILLIE HEMPHILL
DEFENDANT

3-6-08

DATE

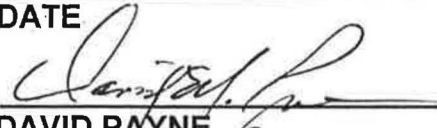
Respectfully Submitted,



RODNEY L. FAULK
DEPUTY PROSECUTING ORNEY

03-17-08

DATE



DAVID PAYNE
ATTORNEY FOR DEFENDANT

3-7-08

DATE

DEFENDANT'S ACCEPTANCE OF PLEA AGREEMENT

Defendant in the above-entitled cause, WILLIE HEMPHILL affirms under the pains and penalties for perjury that the following statements are true, to-wit:

1. Defendant has read and received a copy of the attached Plea Agreement and fully and completely understands and accepts it.
2. That Defendant fully understands the nature of each charge to which he/she will plead guilty.
3. That Defendant fully understands that by his/her plea of guilty to the crime contained in numerical paragraph one (1) of the Plea Agreement, he/she is admitting the truth of all facts alleged to prove each crime.
4. That Defendant fully understands that by a plea of guilty Defendant waives the following right to:
 - a) A public and speedy trial by jury;
 - b) Confront and cross-examine witnesses against him/her;
 - c) Have compulsory process for obtaining witnesses in his/her favor;
 - d) Require the State to prove his/her guilt beyond a reasonable doubt at a trial at which he/she may not be compelled to testify.
5. That Defendant fully understands the Defendant's right to a jury trial includes the right to have a jury determine, by proof beyond a reasonable doubt, the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence. The Defendant also has the right to have the State of Indiana provide written notification to the Defendant of any such fact or aggravating circumstance. The Defendant fully understands that by a plea of guilty, the Defendant waives these rights and fully understands the Court will make the determination as to the existence of any fact or aggravating circumstance that would allow the Court to impose a sentence in excess of the statutory presumptive sentence, without the use or intervention of a jury and sentencing will proceed without any written notification to the Defendant by the State of Indiana of any such or aggravating circumstance.
6. That Defendant has been advised of the maximum possible sentence and minimum sentence for each crime charged.
7. That Defendant has been advised of the possible increased sentence by reason of the fact of a prior conviction or convictions and possibility of the imposition of consecutive sentences.
8. That Defendant has been advised of the possible ramifications to his/her driver's license that may occur due to his/her plea of guilty to a traffic offense.

Specifically, the Defendant has been advised of the qualifications of being considered a habitual traffic violator by the Bureau of Motor Vehicles, and by statute.

9. That Defendant fully understands that the Court is not a party to this Plea Agreement between the STATE OF INDIANA and Defendant and that the Court may accept or reject it. If the Court accepts the Plea Agreement the Court shall be bound by the terms of the Plea Agreement. If the Court rejects the Plea Agreement, the Court will set the case for trial.

10. Defendant's guilty plea is completely voluntary, and that no threats, promises, force or coercion were used against him/her.

11. Defendant is fully satisfied with the services rendered by his/her Attorney of Record, DAVID PAYNE, and that said Attorney has competently and effectively represented him/her.

12. Defendant acknowledges that his execution of this agreement evidences the fact that he is knowingly, intelligently, and voluntarily waiving his right to challenge the sentence imposed by the Court, pursuant to this agreement, on the basis that such sentence is erroneous. The Defendant further agrees that by his execution of this agreement he is waiving his rights to challenge the Court's finding and balancing of mitigating and aggravating factors as well as his right to have the Court of Appeals review the sentence imposed herein under Indiana Appellate Rule 7(B).

13. Defendant's signature to this acceptance certifies that all of the statements contained in said Acceptance of Plea Agreement are true, and that any questions concerning said Acceptance of Plea Agreement have been answered by his/her Attorney of Record to his/her complete satisfaction.


WILLIE HEMPHILL

3-6-08.
DATE

Criminal History for HEMPHILL,WILLIE J - 18238

Booked	Released	O-Code	OffenseDesc	Sentenced To	Released To	Cause Number
12/30/2018 06:29	12/31/2018 10:47	34-47-4-2	Attachment_Civil		SELF	27D02-0404-JP-325
7/21/2016 17:08	7/22/2016 15:11	9-30-5-2 A	OPERATING WHILE INTOXICATED (C MISD)	SENT TO 6 DAYS W/ CREDIT FOR 3 #1113	self	27D03-1510-CM-237
10/4/2015 13:10	10/6/2015 15:19	9-30-5-2 A	OPERATING WHILE INTOXICATED (C MISD)	RLSD PER COURT TRIAL 11/9/2015 10/6/2015 #462	SELF	27D03-1510-CM-237
8/28/2009 22:12	10/28/2009 03:30	35-43-4-2	THEFT (D FEL)	1 1/2 yrs	DOC	27D02-0909-FD-108
8/28/2009 22:12	10/28/2009 03:30	1824	POSSESSION MARIJUANA U/30 GRMS	1 1/2 yrs	DOC	27D02-0909-FD-108
8/21/2008 03:50	12/15/2008 14:35	35-50-2-2	VIOLATION OF PROBATION (FEL)	Dismissed per court	SELF	27D020406FB69
8/21/2008 03:50	12/15/2008 14:35	35-48-4-11A	POSSESSION OF MARIJUANA OR HASHISH (A MISD)	Time Served	SELF	27D02-0811-CM-179
8/21/2008 03:50	12/15/2008 14:35	35-44-3-3	RESISTING LAW ENFORCEMENT (A MISD)	Time Served	SELF	27D02-0811-CM-179
12/9/2007 08:47	5/20/2008 00:33	3046	AOW/PROB VIOL	360 DAYS	SELF	27D02-0406-FB-69
12/9/2007 08:47	5/20/2008 00:33	2612	PROBATION VIOLATION	150 DYS CONSECUTIVE	SELF	27H020703CM0294
12/9/2007 08:47	5/20/2008 00:33	1400	CRIMINAL MISCHIEF	180	SELF	27D0207FD193
12/9/2007 08:47	5/20/2008 00:33	0440	BATTERY RESULTING IN INJURY	180 DAYS	SELF	27D0207FD193
12/9/2007 08:47	5/20/2008 00:33	0512	RESIDENTIAL ENTRY	180 DAYS	SELF	27D0207FD193
9/28/2007 12:45	10/12/2007 00:48	2804	ATTACHMENTS	SEVRE 15 STRAIGHT DAYS 462		D20404JP325
3/17/2007 01:55	3/31/2007 00:33	2300	PUBLIC INTOXICATION	180 DYS SUSP 150 DYS		H20703CM0295

Booked	Released	O-Code	OffenseDesc	Sentenced To Released To	Cause Number
3/17/2007 01:55	3/31/2007 00:33	1806	POSS. OF PARAIHERNALIA	180 DYS SUSP 150 DYS CONCURRENT	H20703CM0294
6/8/2004 16:23	9/28/2005 00:42	2696	INTERFERING W/REPORTING CRIME		27D20406FB69
6/8/2004 16:23	9/28/2005 00:42	2605	INTIMIDATION		27D20406FB69
6/8/2004 16:23	9/28/2005 00:42	2676	CRIMINAL CONFINEMENT		27D20406FB69
6/8/2004 16:23	9/28/2005 00:42	2676	CRIMINAL CONFINEMENT		27D20406FB69
7/4/2003 19:45	2/18/2004 08:00	2605	INTIMIDATION	INVATION OF PRIV DIS / GUILTY ON ALL OTHER CHARGES	00212CM1422A
7/4/2003 19:45	2/18/2004 08:00	2696	INTERFERING W/REPORTING CRIME	INVATION OF PRIVACY DISM/ GUILTY ON OTHER CHARGES	000212CM1422
7/4/2003 19:45	2/18/2004 08:00	3069	AOW/PET FOR REV OF PROBATION	INVASON OF PRIVACY DISM / GUILTY ON ALL OTHER CHAR	H20204CM0391
7/4/2003 19:45	2/18/2004 08:00	2820	INVASION OF PRIVACY B MISD		H20209CM1126
7/4/2003 19:45	2/18/2004 08:00	3008	AOW/BATTERY	INVASION OF PRIV. DISM GUILTY ON ALL OTHER CHARGES	H20212CM1421
4/17/2002 19:30	5/24/2002 09:00	3008	AOW/BATTERY	FOR ALL H02 CHARGES	00027H0204CM
4/17/2002 19:30	5/24/2002 09:00	2630	WANTED PERSON	HOLD PLACED ON SUBJECT ON THIS DATE	00HUNTINGTON
4/17/2002 19:30	5/24/2002 09:00	1824	POSSESSION MARIJUANA U/30 GRMS	FOR ALL H02 CHARGES	000000027H02